

## **CASE ANALYSIS**

### **I. The Situation**

The case involves Mr. Romulo Bernas, a staff assistant in Prime Shipping Inc., who earns a salary enough to support his family. Mr. Bernas directly reports to a manager but has no specific job description. He also works closely with Mr. Jose Narciso, a former New People's Army member and is now a bodyguard of a politician connected to the Bureau of Customs (BOC).

Mr. Bernas has been awarded several recognitions for his achievement in work. As such, he was assigned to provide some order and system to the shipments loading and unloading in the pier. One night when he saw an intervention of a custom officials in the shipment of textiles in the port area. The following day to his surprise, newspaper headlines showed six men who were allegedly involved in this textile smuggling, which he knew were just fall guys.

After this event, Mr. Narciso offered Mr. Bernas Php50,000 to remain mum on what he saw and start a new life as a teacher/researcher in Baguio.

### **II. The Ethical Dilemmas**

In the situation presented, there are two identified ethical dilemmas. First, is on letting the fall guys become victims of injustice on the issue of smuggling. Secondly, is whether to accept the bribe being offered but in return will keep Mr. Bernas silent on what really happened and start a new life elsewhere. These dilemmas however are related in such a way that the action taken to address the first will have an effect on the other or vice versa. The dilemmas involved deal with the values of honesty, integrity and citizenship. Honesty in this situation is associated to both telling the truth as best as we know it and honesty in the context of playing by the rules, without cheating or stealing. Integrity is also in question because we should always act based on what is right and what is expected of us, on a consistent way. Lastly, citizenship because this involves government officials where commitment to public and obedience to laws are highly expected.

In addition, this dilemma is highly complicated primarily because the persons involved are bigwigs and due to the fact that money, power, institutional and personal images are at stake. And this may give rise to threats among the lives of any of the parties involved - Mr. Bernas and his family, Mr. Narciso, the BOC officers and the accused. However, if proper action is taken, then benefit and punishment are given to whom these are rightfully due.

### **III. Alternative Courses of Actions**

In this situation, there are 3 available actions available for Mr. Bernas:

1. Accept the bribe, resign and remain silent.
2. Decline the bribe, resign and remain silent.
3. Decline the bribe, stay, and escalate the issue to proper authority and management.

#### **IV. Evaluation of the Alternative Courses of Action using Ethical Principles**

##### ***Utilitarianism***

This principle holds that the action is right if that action's net benefits are greatest by comparison to the net benefits of all other possible alternatives. This follows the cost-benefit analysis. Except for the money involved, the costs and benefits presented above are unquantifiable. The act of a few corrupt managers and individuals in Prime Shipping is something affecting the good of the many. Although the most affected parties are the fall guys, the presence of these corrupt few that manipulates the system still will affect the many in the long run. In consideration of the rule utilitarianism, it seems that the best action to take is to resist the bribe and report the incident to proper authority.

##### ***Immanuel Kant's Categorical Imperative theory***

This theory uses moral rights as its foundation and incorporates two formulations. The first formulation is the golden rule which is to do unto others what you want to do unto you. This deals with universalizability and reversibility, which means that every reason to action should be universally acceptable and this reason should still be the same if the situation is reversed.

Considering the golden rule, the best alternative action for Mr. Bernas is option 3. First, bribery is a form of corruption that is universally agreed as immoral. As human beings, we always seek for the truth. Bribery is a form of dishonesty and we do not want others to be dishonest to us. Meanwhile, reporting the incident of smuggling to proper authorities addresses the second criterion, wherein, if tables are turned and reversed, you also do not want to fall victim to false accusation and injustice.

The second formulation of Kant is to never treat any person merely as a mean but also as an end. This emphasizes that our action is morally right if and only if we do not use others to advance in our own interests and we respect other's capacity to choose freely for them. By doing option 3, he is not using other people for his advancement. Accepting the bribe would mean that Mr. Bernas will get P50,000.00 at the expense of the fall guys.

##### ***Virtue Ethics***

The virtue ethics principle focuses not on what actions people are required to perform but rather on the character they require to have. To assess the correctness of an action using virtue ethics means choosing between two extremes – the extreme of lack and the extreme of excess.

Being an employee, Mr. Bernas is expected to be honest. The virtue of honesty is actually expected from all of us. Considering this, the best option available, is again, option 3. This option highly promotes honesty and integrity in both the dilemmas. Integrity is applied by not choosing to accept the bribe and honesty by telling the truth based on what you saw. Also, choosing this option will make Mr. Bernas, a person of character and morality, because despite the odds of facing threats and complicated problems, he stood by these virtues.

### ***Ethics of Care***

The ethics of care emphasizes two moral demands. First, is to preserve and nurture the concrete relationships we have. Second, is to exercise special care to those we are related with and more importantly on those vulnerable and dependent on us.

In the case of Mr. Bernas, the most obvious relationship he values is his family. He works for them. He cares for them. As such, if this is the basis, option 2 is the most appropriate action to take. By resisting the bribe and remaining silent, his family's safety will not be put at risk. In addition, his family will not be involved in the headaches and complications that might happen if he chooses to report the incident.

On the contrary, if he considers the second moral demand of this principle, he must show compassion on those who are dependent on him, in this case, the fall guys. However, it can be argued that these people are not related to him. Also, he can do other ways of giving back to the community and practice communitarian ethics.

## **V. Conclusion**

So, if I were in the place of Mr. Bernas, using this evaluation, I would choose option 3 which is to resist the bribe and report the incident to the proper authority. This option produces the greatest social benefit and least injury since it promotes honesty, integrity and clean public service. It is consistent with the moral rights (the right to honest and due process) of the affected, especially to the fall guys. This course of action treats them not just as a mean but more importantly as an end. It provides just distribution of benefits and burdens as it emphasizes on the principle that everyone is innocent until proven guilty. It also uplifts the character of Mr. Bernas, because he will be perceived as a man of truth and integrity. Lastly, it provides care to those who are in need, in this case, the fall guys.

However, these study is not to define what is right or wrong but rather as a guide to the best possible action a person can take. Bottom line, decision is still in the hands of the person involved.



## **MIDTERM TAKE HOME EXAM**

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